IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Appeal No.387 of 2007
In
Notice of Motion No.1368 of 2007
In
S.C.Suit No.777 of 1978

Prabhudas Damodardas Kotecha. .. Appellant/ (Org.Plaintiff)

Vs.

Bombay Cotton Yarn Co.(Pvt.) Limited & Ors. .. Respondents (Org.Defendants)

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Shri J.J.Thakkar for the appellant.

S/Shri Shyam Mehta with Ajai Fernandes i/b Kanga & Co. for the respondents.

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CORAM : R.M.S.KHANDEPARKAR &
D.G.KARNIK, JJ

DATED : 12TH JUNE, 2007

P.C.

. Heard. The appeal arises from the order dated 27th April, 2007 passed in the Notice of Motion No.1368 of 2007 in Suit No.777 of 1978. Plain reading of the impugned order discloses that the notice of motion is yet to be disposed of. By the impugned order, the learned Single Judge has merely refused to grant ad-interim relief. The paragraph 3 of the impugned order clearly states that all the issues

raised in the notice of motion are yet to be decided. The only point on which the opinion is expressed is that the Commissioner cannot refuse an answer for the question, which is objected to by the other side. The observation is clearly in tune with the law laid down by this Court as well as the Apex Court. Being so, there is no case made out for interference in the impugned order. The appeal therefore rejected and disposed of.

(R.M.S.KHANDEPARKAR, J)

(D.G.KARNIK, J)